

Appendix B - Summary of Sage-grouse Petitions Submitted to the U.S. Fish and Wildlife Service

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Summary of Sage-grouse Petitions Submitted to the U.S. Fish and Wildlife Service (USFWS) (as of January 27, 2005)¹

Petition Date: May 14, 1999 (74 pages)	Petition Date: January 25, 2000 (254 pages)	Petition Date: December 28, 2001 (493 pages)
Species: Washington population of the Western Sage-Grouse <i>Centrocercus urophasianus phaios</i>	Species: Gunnison Sage-Grouse <i>Centrocercus minimus</i>	Species: Mono Basin population of the Greater Sage-Grouse <i>Centrocercus urophasianus phaios</i>
Petition Request: List as threatened or endangered	Petition Request: List as endangered or threatened, emergency listing, and designation of critical habitat	Petition Request: Emergency list as endangered
Petitioners: Northwest Ecosystem Alliance and Biodiversity Legal Foundation	Petitioners: Mark Salvo, American Lands Alliance, Dr. Randy Webb, Net Work Associates, Andy Kerr, The Larch Company, Jasper Carlton, Biodiversity Legal Foundation, Susan Ash, Wild Utah Forest Campaign, Rob Edwards, Sinapu	Petitioners: Donald Randy Webb, Institute for Wildlife Protection
USFWS Determination: Both a 90-day finding (August 24, 2000) and a 12-month finding (May 7, 2001) have been published in the <u>Federal Register</u> . The outcome of USFWS finding was that listing is warranted but precluded for the Columbia Basin Distinct Population Segment (occurs in WA and northern OR). Under USFWS policy it became a candidate by default. The candidate status of this population to be reassessed by USFWS in 2005 using new information, including that present in the USFWS finding published in the <u>Federal Register</u> on January 12, 2005.	USFWS Determination: Note this species was designated as a candidate by USFWS prior to receipt of the petition. The listing priority number was elevated by USFWS in a May 4, 2004 <u>Federal Register</u> Notice of Review to a 2. However the USFWS does not believe that emergency listing is warranted at this time.	USFWS Determination: Initial review indicated that the situation does not warrant an emergency listing. A 90-day finding was initiated August 1, 2002. The 90-day finding was published in the <u>Federal Register</u> December 26, 2002 with an outcome that the information presented in the petition is not substantial.
Legal Action: No Notice Of Intent (NOI**) to date	Legal Action: Court complaint dated September 29, 2000 from the American Lands Alliance et al. In summer 2003 the Court rules in the USFWS's favor. The ruling is that the USFWS candidate process, and the determination by USFWS that a species should be on the candidate list, is equivalent to a 12-month finding. On March 16, 2004 the plaintiffs file a lawsuit in Washington D.C. District Court asking the Court to order the USFWS to emergency list the species as endangered, and challenging the USFWS's determination of warranted but precluded for the species.	Legal Action: A court complaint dated July 3, 2002 was received from the Institute for Wildlife Protection. On December 1, 2003 U.S. District Court judge issued an order in favor of the USFWS and dismissing the plaintiff's case. On May 24, 2004 the plaintiffs filed an appeal of the Courts decision. USFWS responded with an answer brief on August 6, 2004. A hearing on the appeal is scheduled for Feb. 10, 2005. Also plaintiffs filed an NOI, dated January 9, 2003, regarding the merits of the USFWS's 90-day finding.

¹ Table compiled by Kevin Kritz, U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office, 1340 Financial Blvd. Suite #234, Reno, NV 89502-7147 (775) 861-6300

Lead USFWS Office: Upper Columbia Fish and Wildlife Office, Spokane, Washington (509) 891-6839	Lead USFWS Office: Western Colorado Field Office, Grand Junction, Colorado (970) 243-2778	Lead USFWS Office: Nevada Fish and Wildlife Office, Reno, Nevada (775) 861-6325
USFWS Contact: Chris Warren	USFWS Contact: Terry Ireland	USFWS Contact: Kevin Kritz

Petition Date: January 24, 2002 (468 pages)	Petition Date: June 18, 2002 (7 pages)	Petition Date: July 3, 2002 (524 pages)
Species: Western subspecies of the Greater Sage-Grouse <i>Centrocercus urophasianus phaios</i>	Species: Greater Sage-Grouse <i>Centrocercus urophasianus</i>	Species: Eastern subspecies of the Greater Sage-Grouse <i>Centrocercus urophasianus urophasianus</i>
Petition Request: List the subspecies	Petition Request: List as endangered	Petition Request: List as endangered
Petitioners: Donald Randy Webb, Institute for Wildlife Protection	Petitioners: Craig Dremann	Petitioners: Donald Randy Webb, Institute for Wildlife Protection
USFWS Determination: A 90-day finding was initiated October 30, 2002. The 90-day finding was published in the <u>Federal Register</u> on February 7, 2003 with an outcome that the information presented in the petition is not substantial.	USFWS Determination: A 90-day finding was initiated December, 2003. The USFWS published the 90-day finding in the <u>Federal Register</u> on April 21, 2004. The outcome was a positive 90-day finding; the information presented, and in USFWS files, was substantial. USFWS initiates a status review. The status review has now been completed. A 12-month finding was published in the Federal Register January 12, 2005 with an outcome that listing of the greater sage-grouse is not warranted.	USFWS Determination: 90-day finding initiated on October 3, 2003 as per court order. The 90-day finding was published in the <u>Federal Register</u> on January 7, 2004 with an outcome that the information presented in the petition is not substantial.
Legal Action: NOI dated February 7, 2003 from the Institute for Wildlife Protection regarding the 90-day finding. The Institute for Wildlife Protection filed a court complaint, dated June 6, 2003 challenging the merits of the 90-day finding. On August 10, 2004 a U.S. District Court judge issued an order in favor of the USFWS and dismissing the plaintiff's case. An appeal, dated November 24, 2004, has been filed by The Institute for Wildlife Protection regarding this decision.	Legal Action: NOI dated January 7, 2005 from the Institute for Wildlife Protection regarding the 12-month finding. NOI alleges that USFWS 12-month finding is incorrect, arbitrary, unwarranted by the facts, etc.	Legal Action: Court complaint dated January 10, 2003 filed in the Western District Court of Washington by the Institute for Wildlife Protection for failure to do a 90-day finding. On October 3, 2003 the District Court judge ordered the USFWS to make a 90-day finding, due by January 3, 2004. On September 28, 2004 the U.S. District Court judge issued an order in favor of the USFWS and dismissing the plaintiff's case.
Lead USFWS Office: Oregon Fish and Wildlife Office, Portland, Oregon (503) 231-6179	Lead USFWS Office: Wyoming Ecological Services Field Office, Cheyenne, Wyoming (307) 772-2374	Lead USFWS Office: Wyoming Ecological Services Field Office, Cheyenne, Wyoming (307) 772-2374
USFWS Contact: Jeff Dillon	USFWS Contact: Pat Deibert	USFWS Contact: Pat Deibert

Petition Date: March 19, 2003 (992 pages; this is a combination of the previous petitions for Western and Eastern subspecies)	Petition Date: December 22, 2003 (218 pages)
Species: Greater Sage-Grouse <i>Centrocercus urophasianus</i>	Species: Greater Sage-Grouse <i>Centrocercus urophasianus</i>
Petition Request: List as endangered	Petition Request: List as threatened or endangered
Petitioners: Donald Randy Webb, Institute for Wildlife Protection	Petitioners: Mark Salvo American Lands Alliance, Biodiversity Conservation Alliance, Center for Biological Diversity, Forest Guardians, The Fund for Animals, Gallatin Wildlife Association, Great Old Broads for Wilderness, Hells Canyon Preservation Council, The Larch Company, Northwest Ecosystem Alliance, Northwest Council for Alternatives to Pesticides, Oregon Natural Desert Association, Oregon Natural Resources Council, Predator Defense Institute, Sierra Club, Sinapu, Western Fire Ecology Center, Western Watersheds Project, Wild Utah Project, Wildlands CPR, and Center for Native Ecosystems
USFWS Determination: A 90-day finding was initiated December, 2003. USFWS published the 90-day finding in the <u>Federal Register</u> on April 21, 2004. Outcome was a positive 90-day finding; the information presented, and in USFWS files, was substantial. USFWS initiates a status review. The status review has now been completed. A 12-month finding was published in the Federal Register January 12, 2005 with an outcome that listing of the greater sage-grouse is not warranted.	USFWS Determination: A 90-day finding was initiated December, 2003. USFWS published the 90-day finding in the <u>Federal Register</u> on April 21, 2004. The outcome was a positive 90-day finding; the information presented, and in USFWS files, was substantial. USFWS initiates a status review. The status review has now completed. A 12-month finding was published in the Federal Register January 12, 2005 with an outcome that listing of the greater sage-grouse is not warranted.
Legal Action: NOI dated January 7, 2005 from the Institute for Wildlife Protection regarding the 12-month finding. NOI alleges that USFWS 12-month finding is incorrect, arbitrary, unwarranted by the facts, etc.	Legal Action: NOI dated January 7, 2005 from the Institute for Wildlife Protection regarding the 12-month finding. NOI alleges that USFWS 12-month finding is incorrect, arbitrary, unwarranted by the facts, etc.
Lead USFWS Office: Wyoming Ecological Services Field Office, Cheyenne, Wyoming (307) 772-2374	Lead USFWS Office: Wyoming Ecological Services Field Office, Cheyenne, Wyoming (307) 772-2374
USFWS Contact: Pat Deibert	USFWS Contact: Pat Deibert

**** 60-day Notice of Intent to Sue (NOI)**